

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Richards et al.

Serial No: 10/768,530

Filing Date: 1/30/04

Title: CIRCUIT PROTECTION
DEVICE WITH GROUNDED
NEUTRAL HALF CYCLE SELF
TEST

Group Art Unit: TBD

Examiner: TBD

RESPONSE

Commissioner for Patents
P.O Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. §1.48 (a)

Sir:

Please find a Request for Correction of Inventorship under 37 C.F.R. 1.48(a), pursuant to 35 U.S.C. §116 attached hereto.

This is a request to correct the inventorship under 37 C.F.R. §1.48(a). M.P.E.P. §201.03 states that correction of inventorship in an application is permitted by amendment under 35 U.S.C. §116 which is implemented by 37 C.F.R. §1.48. 37 C.F.R. §1.48(a) is directed at correcting the inventorship in an application where the inventorship was improperly set forth in the executed oath or declaration filed in the application. In this case, the original declaration claimed priority to U.S. Patent Application Serial No. 09/725,525, now U.S. Patent No. 6,674,289, under 35 U.S.C. §120. U.S. Pat. No. 6,674,289, was filed on Nov. 29, 2000. The common inventor in the '289 patent and the instant patent application is Bruce F. Macbeth.

Therefore, the inventorship was improperly set forth in the executed declaration filed in the instant application because the name of Bruce F. Macbeth was omitted from said executed declaration. Accordingly, please correct the inventorship of the present invention under 37 C.F.R. §1.48(a) to add Bruce F. Macbeth. The inventorship as properly set forth should include Jeffrey C. Richards, David A. Finlay, Sr., and Bruce F. Macbeth.

In addition to “a request to correct the inventorship that sets forth the desired inventorship change,” an amendment of the inventorship under 37 C.F.R. §1.48(a) must satisfy four (4) additional requirements.

(1) 37 C.F.R. §1.48(a) requires *a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part*. A statement from the inventor being added, Bruce F. Macbeth, is attached hereto.

(2) 37 C.F.R. §1.48(a) requires *an oath or declaration by the actual inventor or inventors as required by § 1.63*. A declaration and assignment which properly sets forth the inventorship is also attached hereto as required by 37 C.F.R. § 1.63.

(3) 37 C.F.R. §1.48(a) requires *the written consent of the assignee under 37 C.F.R. §3.73(b) if an assignment has been executed by any of the original named inventors*. Since an assignment was executed by the original named inventors, agreeing to correction of inventorship in accordance with 37 C.F.R. §3.73(b) is also attached hereto.

(4) Finally, 37 C.F.R. §1.48(a) requires *the processing fee set forth in § 1.17(i)*. The processing fee as set forth in 37 C.F.R. § 1.17(i) is also attached hereto.

Therefore, because all of the requirements under 37 C.F.R. §1.48(a) to correct the inventorship have been satisfied, the applicants respectfully request that the inventorship in the instant application be changed to correctly set forth the inventorship.

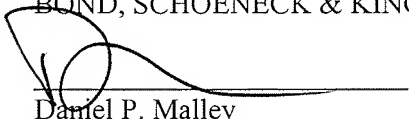
Applicant hereby authorizes the Office to charge the necessary fee set forth in 37 C.F.R. § 1.17(i) to the deposit account of the undersigned firm of attorneys, Deposit Account 50-1546.

Please direct any questions or comments to Daniel P. Malley at (607) 330-4010.

Respectfully submitted,

BOND, SCHOENECK & KING, PLLC

Date: 3-15-02


Daniel P. Malley
Registration No. 43,443
BOND, SCHOENECK & KING, PLLC
10 Brown Rd.
Suite 201
Ithaca, NY 14850-1248

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Richards et al.

Serial No: 10/758,530

Filing Date: 1/30/04

Title: CIRCUIT PROTECTION
DEVICE WITH GROUNDED
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TEST

Group Art Unit: TBD

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RESPONSE

Commissioner for Patents
P.O Box 1450
Alexandria, VA 22313-1450

STATEMENT FROM INVENTOR UNDER 37 C.F.R. 1.48(a)

I, BRUCE F. MACBETH, hereby declare and affirm the following:

1. Through error, I was not named as an inventor on the above-captioned patent application.
This error occurred without any deceptive intent on my part.

2. I agree to change the inventorship of the above-identified patent application to add myself
as an inventor.

3. I declare and affirm that the foregoing is true and correct under penalty of perjury.

Dated: 1/25/07

Bruce F. Macbeth
Bruce F. Macbeth

PATENT APPLICATION

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

ATTORNEY DOCKET NO 905P075D (CIP1)

As a below named inventor, We hereby declare that:

Our residence/post office address and citizenship are as stated below next to my/our name(s);

We believe we are the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **CIRCUIT PROTECTION DEVICE WITH GROUNDED NEUTRAL HALF CYCLE SELF TEST** the specification of which is attached hereto unless the following boxes are checked:

- ☒ was filed on January 30, 2004 as:
☒ US Application Serial No. 10/768,530 or
☐ PCT International Application _____
☐ and was amended on _____ (if applicable).

We hereby state that We have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I/We acknowledge the duty to disclose all information which is material to patentability as defined in 37 C.F.R. 1.56.

Foreign Application(s) and/or Claim of Foreign Priority

I/We hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor(s) certificate listed below and have also identified below any foreign application for patent or inventor(s) certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE FILED	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

Provisional Application

I/We hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below:

Application Serial Number	Filing Date

U.S. Priority Claim

I/We hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I/We acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number	Filing Date	Status (patented/pending/abandoned)
09/725,525	11/29/2000	patented

POWER OF ATTORNEY:

As a named inventor, I/We hereby appoint the following attorney(s) and/or agent(s) listed below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Customer No.: *44564*
44564

PATENT AND TRADEMARK OFFICE

George McGuire, Reg. No. 36,603
Robert J. Sinnema, Reg. No. 53,599
David L. Nocilly, Reg. No. 48,259
Charles S. McGuire, Reg. No. 20,385
Daniel P. Malley, Reg. No. 43,443
William Greener, Reg. No. 38,165

Send Correspondence to:

Daniel P. Malley
Bond Schoeneck & King
10 Brown Road, Suite 201
Ithaca, NY 14850

Direct Telephone Calls to:

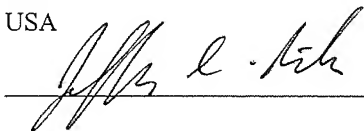
Daniel P. Malley
607-330-4010

* * *

I/We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name: Jeffrey C. Richards
Residence: 12327 Filkins Rd., Baldwinsville, NY 13027
Post Office Address: same
Citizenship: USA

Signature:

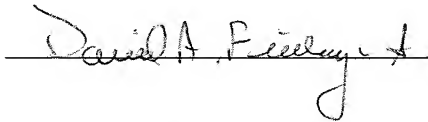


Date

2/20/07

Full Name: David A. Finlay, Sr.
Residence: 3474 Rouse Rd., Marietta, NY 13110
Post Office Address: same
Citizenship: USA

Signature:

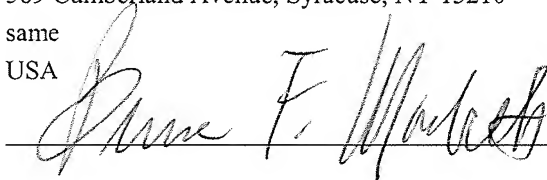


Date

2-20-07

Full Name: Bruce F. Macbeth
Residence: 569 Cumberland Avenue, Syracuse, NY 13210
Post Office Address: same
Citizenship: USA

Signature:



Date

1/25/07

**Electronic Patent Assignment System****Confirmation Receipt**

Your assignment has been received by the USPTO.
The coversheet of the assignment is displayed below:

PATENT ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT										
NATURE OF CONVEYANCE:	ASSIGNMENT										
CONVEYING PARTY DATA											
<table border="1"><thead><tr><th>Name</th><th>Execution Date</th></tr></thead><tbody><tr><td>Jeffrey C. Richards</td><td>02/20/2007</td></tr><tr><td>David A. Finlay, Sr.</td><td>02/20/2007</td></tr><tr><td>Bruce F. Macbeth</td><td>01/25/2007</td></tr></tbody></table>	Name	Execution Date	Jeffrey C. Richards	02/20/2007	David A. Finlay, Sr.	02/20/2007	Bruce F. Macbeth	01/25/2007			
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RECEIVING PARTY DATA											
<table border="1"><tr><td>Name:</td><td>Pass & Seymour, Inc.</td></tr><tr><td>Street Address:</td><td>50 Boyd Avenue</td></tr><tr><td>City:</td><td>Syracuse</td></tr><tr><td>State/Country:</td><td>NEW YORK</td></tr><tr><td>Postal Code:</td><td>13209</td></tr></table>	Name:	Pass & Seymour, Inc.	Street Address:	50 Boyd Avenue	City:	Syracuse	State/Country:	NEW YORK	Postal Code:	13209	
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CORRESPONDENCE DATA											
Fax Number: (607)330-4015 <i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>											
Phone: 6073304010											
Email: johnsoc@bsk.com											
Correspondent Name: Daniel P. Malley											
Address Line 1: 10 Brown Road											
Address Line 2: Suite 201											
Address Line 4: Ithaca, NEW YORK 14850											
ATTORNEY DOCKET NUMBER:	905P075D - MATT 590060										

NAME OF SUBMITTER:	Daniel P. Malley
Signature:	/Daniel P. Malley/
Date:	03/15/2007
Total Attachments: 2 source=905P075Dassign#page1.tif source=905P075Dassign#page2.tif	
RECEIPT INFORMATION EPAS ID: PAT247892 Receipt Date: 03/15/2007 Fee Amount: \$40	

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PATENT ASSIGNMENT

Electronic Version v1.1

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SUBMISSION TYPE:	NEW ASSIGNMENT										
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Address Line 4: Ithaca, NEW YORK 14850											
ATTORNEY DOCKET NUMBER:	905P075D - MATT 590060										
NAME OF SUBMITTER:	Daniel P. Malley										
Signature:	/Daniel P. Malley/										

Date:

03/15/2007

Total Attachments: 2

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Fee Amount: \$40

ASSIGNMENT

(1-8) Insert Name(s) of Inventor(s)	1 Jeffrey C. Richards	2 David A. Finlay, Sr.
	3 Bruce F. Macbeth	4
	5	6
	7	8

In consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to each of the undersigned, the undersigned agree(s) to assign, and hereby does assign, transfer and set over to

(9) Insert Name of Assignee (9) Pass & Seymour, Inc.

(10) Insert address of Assignee (10) 50 Boyd Avenue, Syracuse, New York 13209

(hereinafter designated as the Assignee the entire right, title and interest for the United States, its territories, dependencies and possessions, in the invention, and all applications for patent and any Letters Patent which may be granted therefore, known as

(11) Insert Identification of Invention, such as Title, Case Number or Foreign Application Number (11) **CIRCUIT PROTECTION DEVICE WITH GROUNDED NEUTRAL HALF CYCLE SELF TEST**
(Case No. 905P075D (CIP1))

for which the undersigned have executed an application for patent in the United States of America

(12) Insert Date of Signing of Application (12) on 2/20/07 + 1/25/07

(13) Alternative Identification (13) U.S. Application Serial Number (10/768,530) for application filed January 30, 2004.

(1) The undersigned agree(s) to execute all papers necessary in connection with the application and any continuing or divisional applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

(2) The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation or division thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

(3) The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

(4) The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

(5) The undersigned hereby authorize(s) and request(s) the Commissioner of Patents to issue any and all Letters Patents of the United States resulting from said application or any divisions or continuing applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed and will not execute, any agreement in conflict herewith.

(6) The undersigned hereby grant(s), Daniel P. Malley, of Bond, Schoeneck & King, the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office recordation of this document.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date 2/20/07 Signature Jeffrey C. Richards (SEAL)

Date 2/20/07 Notary/Witness Cynthia T. Westmiller

Date _____ Notary/Witness _____
CYNTHIA T. WESTMILLER
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01-WE6053832
QUALIFIED IN CAYUGA COUNTY
MY COMMISSION EXPIRES 01-22-20 11

Date 2-20-07 Signature David A. Finlay, Sr. (SEAL)

Date 2/20/07 Notary/Witness Cynthia T. Westmiller

Date _____ Notary/Witness _____

Date 1/25/07 Signature Bruce F. Macbeth (SEAL)

Date 1/25/07 Notary/Witness Jordan M. Lee

Date _____ Notary/Witness _____

JORDAN M. LEE
Notary Public, State of New York
Qualified in Onondaga County
Reg. No. 01LE6141530
My Commission Expires March 6, 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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STATEMENT UNDER 37 C.F.R. 3.73(b)

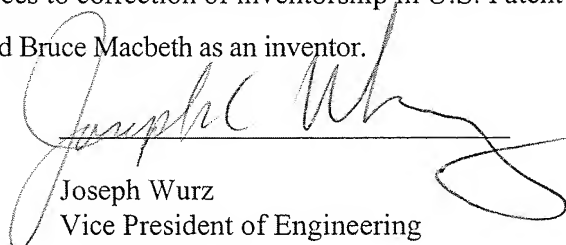
Assignee Pass & Seymour, Inc. hereby makes the following statements pursuant to 37 C.F.R. 3.73(b).

1. Pass & Seymour is the assignee of all rights of Jeffrey C. Richards and David A. Finlay Sr. in the above identified Patent Application. Attached as documentary evidence of a chain of title from Jeffrey C. Richards and David A. Finlay Sr. to Pass & Seymour is a copy of an assignment from Jeffrey C. Richards and David A. Finlay Sr. to Pass & Seymour, submitted for recording on January 30, 2004.

2. Pass & Seymour is the assignee of all rights of Bruce Macbeth in the above captioned patent application. Attached as documentary evidence of a chain of title from Bruce Macbeth to Pass & Seymour is a copy of an assignment from Bruce Macbeth to Pass & Seymour, submitted for recording on 3/15/07.

3. Assignee Pass & Seymour agrees to correction of inventorship in U.S. Patent Application Serial No. 10/758,530 to add Bruce Macbeth as an inventor.

Dated: 1/5/07


Joseph Wurz
Vice President of Engineering
Pass & Seymour

ASSIGNMENT

(1-8) Insert Name(s) of Inventor(s)

(1) Jeffrey C. Richards (5) _____
(2) David A. Finlay, Sr. (6) _____
(3) _____ (7) _____
(4) _____ (8) _____

In consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to each of the undersigned, the undersigned agree(s) to assign, and hereby does assign, transfer and set over to

(9) Insert name of Assignee

(9) Pass & Seymour, Inc.

(10) Insert address of Assignee

(10) 50 Boyd Avenue, Syracuse, New York 13209

(hereinafter designated as the Assignee) the entire right, title and interest for the United States, its territories, dependencies and possessions, in the invention, and all applications for patent and any Letters Patent which may be granted therefore, known as

(11) Insert Identification of Invention, such as Title, Case Number or Foreign Application Number

(11) CIRCUIT PROTECTION DEVICE WITH GROUNDED NEUTRAL HALF CYCLE TEST

(Case No. 905-075 CIP1)

for which the undersigned have executed an application for patent in the United States of America

(12) Insert Date of Signing of Application

(12) on

(13) Alternative Identification

(13) U.S. Application(s) Serial Number(s)*
for filed application(s) filed *

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2) The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation or division thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.


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4) The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

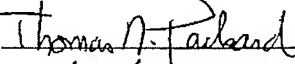
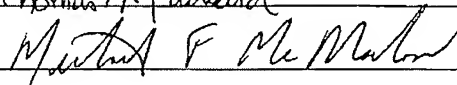
5) The undersigned hereby authorize(s) and request(s) the Commissioner of Patents to issue any and all Letters Patents of the United States resulting from said application or any divisions or continuing applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed and will not execute, any agreement in conflict herewith.

6) The undersigned hereby grant(s) , of WALL MARJAMA & BILINSKI the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office recordation of this document.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

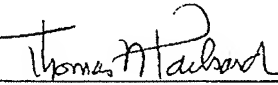
Date 1-30-04 Signature  (SEAL)
JEFFREY C. RICHARDS

This assignment should preferably be signed before: (a) a Notary Public if within the U.S.A. or (b) a U.S. Consul if outside the U.S.A. If neither, then it should be signed before at least two witnesses who also sign here:

Date January 30, 2004 Witness 
Date 1/30/04 Witness 

Date 1-30-04 Signature  (SEAL)
DAVID A. FINLAY, SR.

This assignment should preferably be signed before: (a) a Notary Public if within the U.S.A. or (b) a U.S. Consul if outside the U.S.A. If neither, then it should be signed before at least two witnesses who also sign here:

Date January 30, 2004 Witness 
Date 1/30/04 Witness 